mental impairment from drugs, which in terms of will power meant impaired ability to resist.

In the light of the foregoing facts, we can understand why medicinal preparations alone do not cure; why short periods of treatment are so often futile.

In the light of the foregoing facts we can question the wisdom of undertaking disposition or treatment of any drug case without determining beforehand his individual ability to profit by such.

Further, we can strongly advise against trusting a drug user to cure himself, or expecting satisfactory results from any method that does not provide for prolonged detention, careful physical and mental rehabilitation, and, upon discharge, well-directed medical and social service methods of treatment.

V. V. ANDERSON, M. D.,
Director of Medical Service, Municipal Court, Boston.

Criminal Lunatic Asylums in England and the United States.—Dr. Mario Piacentini's observations on the organization and management of Criminal Lunatic Asylums in England and America.

This, the first of the original articles in *La Scuola Positiva,* is a study of the fundamental difference between the handling of the problem of the criminal insane in Italy and other continental countries of Europe, and in England and the United States. This difference, according to the author, may be summed up as the distinction between theory and practice. Italy, it is well known, has produced a great number of profound theorists, whose methods consist in the first hand observation of the causes of crime. Among these the name of Lombroso is the one best known to American and English writers. These theorists have made a practice of investigating the histories of various criminal insane, but without a corresponding application of their theories to the solution of the problem and it is on the side of practice that the author finds a superiority in the English Institutions. Thus institutions provided with farms, parks, baths, reading rooms and the like with the intention of operating a cure and a betterment by means of hard work and constant employment both of the physical and mental powers produce good results although the author finds those in charge somewhat unduly optimistic. Their methods, however, produce revolutionary changes when placed in contrast with the medivaelists, who regard the insane as demons or obsessed and they are naturally superior to a cure sought by pouring holy water on the obsessed or by use of charms. The practical treatment of the criminal insane is in a rudimentary state in almost all of the civilized countries of the globe with the exception of England and the United States. The classification of the various kinds of criminals and the treatment adapted to the various cases calls forth the admiration of the writer. The method of committing insane persons to such institutions, the verdict of guilty but insane, and the statutes under which they are tried, are acutely dissected.

The tests of insanity are stated thus:

1. Lack of power to foresee the exact and necessary consequence of one's own actions.

2. Lack of understanding of the exact nature or significance of one's actions.

3. Having a complete and exact consciousness of the nature of one's acts, but lacking the self-control and freedom of action to restrain oneself from doing the act.

The criticism of these principles is that they are not broad enough to comprehend the entire gamut of mental infirmity, whether permanent or transient, such for example as arrested development, idiocy, imbecility, or abnormal development, and even the most frequent case, viz, that of irresistible impulse.

There are tables of comparative statistics from which, however, scarcely any conclusion of value can be drawn. The conclusions to be drawn from the observation of the English system of Criminal Lunatic Asylums are the following:

1. That the English institutions are almost without exception efficient.
2. That in doctrine they are inferior to the Italians; that in the application of theory and in the handling of the Criminal Insane they are far in advance of the Italians, and it is suggested that the English institutions might be imitated with profit.

GEORGE F. DEISER, *Philadelphia.*

COURTS—LAWS.

Power of Court to Suspend Execution of Sentence in a Criminal Case. Out of a *laissez faire* theory there has grown up in this country, especially in the lower federal courts, a practice whereby judges have assumed to extent favors to convicts of the law. It is easy for an abuse of this kind to

> "Be recorded for a precedent
> And many an error by the same example
> Will rush into the State."
>
> —*Merchant of Venice, Act IV, Sc. I.*

In Ex parte United States Petitioner, 37 Sup. Ct. 72, our great tribunal gives what should be an effective quietus not only to judges of federal courts but to judges of state courts, attempting to exercise a policy, more or less well-defined, of English judges correcting, out of what was denominated the discretion of a judge, the execution of the sentence of the law judicially ascertained.

The Chief Justice in his analysis of the principle, that was recognized at the common law, asserts that it never stood for anything else, whether extended before or after the pronouncing of sentence, than a temporary staying of execution, until the Crown could be appealed to in behalf of a convict.

But in America by some courts it has been asserted that this interposition was inherent in the courts to permanently interpose and prevent the law's enforcement, where the judge deemed that otherwise injustice would be wrought beyond the law's contemplation.

Even under English law, which grew up out of customs and usages, this seems to be a strange view, when at the same time it is admitted that in the kin was reposed the power to grant absolute pardon or to mitigate the severity of sentences as applied to particular cases. Under our law, which recognizes such customs and usages only as they are applicable to our system of government by written law, it seems even less tolerable than at the common law that